

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MAY 25 2018

UNITED STATES OF AMERICA )

v. )

Eusebio ROMERO-RIVERA, )

Defendant. )

) Criminal No. 1:18-MJ-243

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT  
AND ARREST WARRANT**

I, Philip L. Regelman, being duly sworn, state the following:

1. I am a deportation officer with the United States Immigration and Customs Enforcement (“ICE”) in Fairfax, Virginia. I have been employed with ICE since 2006. During that time I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code. My duties as a deportation officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for Eusebio ROMERO-RIVERA, an alien who, on or about October 18, 2017, in the city of Fairfax, in the Eastern District of Virginia, after being denied admission, excluded, deported, and removed from the United States, and having departed the United States while an order of exclusion, deportation, or removal was outstanding, was found in the United States, without having received

the approval of the Attorney General or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

3. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the government.

#### **PROBABLE CAUSE**

4. On or about October 18, 2017, ICE received information from the Fairfax County Adult Detention center (“FCADC”), located in Fairfax, Virginia, within the Eastern District of Virginia, that ROMERO-RIVERA, an alien, born August 14, 1969, was detained at FCADC. FCADC notified ICE of ROMERO-RIVERA’s arrest for four counts of felony rape by force, threat, or intimidation, which according to Fairfax Police reports allegedly occurred on August 1, 2016 in Fairfax, Virginia, in violation of Virginia Code 18.2-61. Following the initial events in August 2016, ROMERO-RIVERA fled the jurisdiction, and was subsequently arrested by U.S. Marshals in West Virginia on October 10, 2017, and returned to Fairfax to stand trial. On March 19, 2018, ROMERO-RIVERA was found not guilty in the Fairfax Circuit Court.

5. On or about October 18, 2017, defendant was fingerprinted at FCADC. An electronic copy of defendant’s fingerprints were then processed through ICE indices containing fingerprint records of known and previously deported aliens. Results of this fingerprint inquiry showed positive matches to Eusebio ROMERO-RIVERA who had been removed from the United States to El Salvador on or about April 22, 2010 from Hidalgo, Texas. At that time, ROMERO-RIVERA, who had been apprehended in Brownsville, Texas on March 24, 2010, admitted to

Border Patrol Agent Jorge I. DeLeon that he had illegally entered the United States on that date by swimming across the Rio Grande.

6. On March 22, 2018, I interviewed the defendant at 2675 Prosperity Avenue in Fairfax, Virginia, wherein he verbally confirmed that he was the ROMERO-RIVERA who was deported from Hidalgo, Texas on April 22, 2010.

7. I reviewed ROMERO-RIVERA's alien file, A# 087995178, which includes a fully executed ICE Form I-296, (Notice to Alien Ordered Removed/Departure Verification) bearing ROMERO-RIVERA's fingerprint.

8. On March 26, 2018, I submitted fingerprints from Eusebio ROMERO-RIVERA's ICE Form I-296 dated April 22, 2010, and fingerprints taken by Border Patrol Agent DeLeon in ROMERO-RIVERA's FD-249 dated March 24, 2010, along with defendant's March 26, 2018, FD-249 containing fingerprints I collected to the FBI Special Processing Center. On March 26, 2018 the FBI confirmed all submitted exhibits were identical matches and a positive match to ROMERO-RIVERA's FBI/UCN number, except for the I-296. The FBI stated the fingerprint captured on the I-296 was of poor quality and of no value for comparison.

9. ROMERO-RIVERA's alien file lacks evidence of any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally. Further, ROMERO-RIVERA's alien file lacks any evidence he has obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States following his formal removal.

10. Based on the foregoing, I submit there is probable cause to believe that on or about August 1, 2016 and on or about October 18, 2017, in Fairfax, Virginia, within the Eastern District of Virginia, ROMERO-RIVERA, an alien, having been removed from the United States on or

about April 22, 2010 from Hidalgo, Texas, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Homeland Security, to reapply for admission to the United States, in violation of Title 8, United States Code, Sections 1326(a).



Philip L. Regelman  
Deportation Officer  
United States Immigration and Customs  
Enforcement

Subscribed and sworn to before me  
This 25<sup>th</sup> day of May 2018

/s/   
John F. Anderson  
United States Magistrate Judge  
Honorable John F. Anderson  
United States Magistrate Judge  
Alexandria, Virginia